

SCHROTH & SCHROTH  
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Attorney for Material Witnesses, Joana Elizabeth Vasquez-Quesada, Hugo Romero-Lopez, and Jose Aristedes Martinez-Ardon.

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

(Hon. Peter C. Lewis)

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Ramon Macias-Colmenares,

Defendant.

) Criminal Case No.: 07 CR 2916

) Magistrate Case No.: 07 MJ 8841

) **DECLARATION OF ROBERT E.**  
) **SCHROTH IN SUPPORT OF MATERIAL**  
) **WITNESSES MOTION FOR A**  
) **VIDEOTAPE DEPOSITION**

) Date: December 4, 2007

) Time: 1:30 p.m.

) Judge: Hon. Peter C. Lewis

I the undersigned, declare as follows:

1. My name is Robert E. Schroth Jr., and I am the attorney of record for Joana Elizabeth Vasquez-Quesada, Hugo Romero-Lopez, and Jose Aristedes Martinez-Ardon, the material witnesses in the above-captioned matter. I am an attorney duly licensed to practice law in the State of California and am admitted to practice before the United States District Court for the Southern District of California.

2. On October 9, 2007, I was appointed to represent the material witnesses in the above-captioned matter. As a Material Witness attorney, one of my primary responsibilities is

POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR DEPOSITION

U. S. v. Macias- Colmenares.

1 to help arrange the release of the material witness from the custody of the U.S. Marshal and BP  
2 as soon as practicable. To that end, I immediately conducted interviews with the Material  
3 Witnesses, through a certified Spanish language interpreter to explain why they were being held  
4 and under what conditions they could be released. I informed the Material Witnesses that the  
5 most expedient way to be released is by having a personal surety post a court approved  
6 appearance bond. I explained that a personal surety would have to agree to sign a \$5,000.00  
7 appearance bond, post \$500.00 cash with the court, and agree to allow the Material Witnesses to  
8 stay with the surety or a family member pending final disposition of the case. Unfortunately,  
9 the witnesses do not know anyone who lives in the United States, who is willing and able to  
10 post the bonds for them. After multiple phone calls to their friends and family members in El  
11 Salvador and the United States no one has expressed a willingness or ability to post the bonds.

14 3. It is the policy of the U.S. Border Patrol, El Centro sector not to release any non-  
15 Mexican Material Witnesses on immigration bonds. Therefore even if the Material Witnesses  
16 were able to post a court bond, they would remain in custody

18 4. I am not aware or have not been informed of any reason in this case why the  
19 Material Witnesses' testimony can not be adequately secured by deposition by either the  
20 government or the defendant's attorney. To the contrary, compelling reasons exists for the  
21 release of the material witnesses as continued detention will cause a hardship on the material  
22 witnesses and their families. Joana Elizabeth Vasquez-Quesada, Hugo Romero-Lopez, and Jose  
23 Aristedes Martinez-Ardon all have families in El Salvador who are dependent upon them as a  
24 source of financial support. Joana Elizabeth Vasquez-Quesada is supporting two boys she left  
25 in El Salvador, Hugo Romero-Lopez is supporting his common law wife, Joana Elizabeth  
26  
27

1 Vasquez-Quesada and her children, and Jose Aristedes Martinez-Ardon is supporting his  
2 parents who are in poor health.

3 5. The Material Witnesses are more than willing to discuss everything they know  
4 about this case with both the defense and government investigators. The fact is, however, there  
5 are only a few facts relevant to this case which the material witnesses are competent to testify:  
6 i.e. (a) his citizenship, (b) who might have transported the witness, and (c) whether the witness  
7 agreed to pay anyone. According to preliminary interviews, all of the facts relevant to this case  
8 in the material witnesses' knowledge took place over a very short period of time.  
9

10 6. I explained the general procedure for videotape depositions to the witnesses and  
11 explained that, if they were released after the depositions, they may have to return to testify at  
12 trial if subpoenaed by the government or defendant. The witnesses indicated they are willing to  
13 return if arrangements for their legal re-entry could be made and travel expenses provided.  
14

15 I declare under penalty of perjury that the foregoing is true and correct and that this  
16 declaration was executed in San Diego, California on November 19, 2007.  
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18 **SCHROTH & SCHROTH**  
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21 By: s/ Robert E. Schroth  
22 ROBERT E. SCHROTH, JR.,  
23 Attorney for Material Witness  
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